IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL WRIT PETITION NO.912 OF 2007

Mr.J.R.Gange ..Petitioner.
Vs.
The State of Maharashtra & Anr...Respondents.

Mr.Kamlesh Singh, adv. for the Petitioner.
Ms.M.H.Mhatre, APP for the Respondent/State.

CORAM : J.H.BHATIA, J.
DATE : JUNE 29, 2007.

P.C.

1. Heard Mr.Kamlesh Singh the learned counsel for the petitioner. Perused the impugned order. The petitioner is a accused in two criminal cases bearing nos.2009/SS/05 and 1164/SS/05 filed by the respondent no.2 under Section 138 of the Negotiable Instruments Act. During the cross-examination of the witness of the complainant in criminal case no.2009/SS/05, attention of the witness was drawn to the resolution passed by the Board of Directors and he admitted that it was pertaining to another case. However, on the next date the advocate for the complainant filed an application contending that by mistake the witness had admitted that the board resolution pertains to the same matter while in fact it was pertaining to the another case and the board resolution pertaining to case no.2009/SS/05 was different. In spite of objection taken by the accused, the application was allowed.

According to the petitioner, it causes prejudice to him and the admission given by the witness could not be withdrawn. Therefore, he has challenged that order.

2. It appears that the witness had made statement about certain documents. Infact, the contents of the document would show to which case it is concerned. If admission is made by mistake and the party comes to know about the mistake no injustice will be caused if application is allowed to withdraw that admission by giving sufficient reasons for committing that mistake. I find no substance in the petition.

3. Petition stands dismissed summarily.

[J.H.BHATIA, J.]